IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
FIRST APPEAL NO.2306 OF 2005

Tukaram Maruti Kale ...Appellant
Vs.
Manabai Sitaram Dudhawade & Ors. ...Respondents

Mr G.S. Godbole for the Appellant.
None for the Respondents.

CORAM : A. S. OKA, J.
DATE : APRIL 25, 2006.

P.C.:

1. Heard Shri Godbole appearing for the Appellant. This is an Appeal under section 30 of the Workmen's Compensation Act, 1923 (hereinafter referred to as said Act of 1923). The Appeal is covered by clause (a) of section 30 of the said Act of 1923.

Proviso of section 30 reads thus:

> "[Provided further that no appeal by an employer under claue (a) shall lie unless the memorandum of appeal is accompanied by a certificate by the Commissioner to the effect that the appellant has deposited with him the amount payable under the order appealed against.]"

In this Appeal it is an admitted position that

certificate issued by the Commissioner is not accompanied with memorandum of Appeal. Prima facie, the act of registration of Appeal is a serious lapse on the part of the office.

2. Time of eight weeks is granted to the Appellant to produce the certificate. If certificate is not produced within the stipulated time, Appeal will stand dismissed without further reference to the Court.

3. I find that in number of Appeals preferred under section 30 of the said Act of 1923 the office has accepted the Appeals though there was no compliance made with the statutory requirement. The Registrar (Judicial-I) will issue necessary directions to the concerned staff members inviting their attention to the provisions of section 30 of the said Act of 1923.

JUDGE